

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID BEST, MATTHEW MOODY, JADE  
GAGIANAS, KATIE ADAMS, ANDREW  
BROWN, RYAN RAITHEL, CARLOS  
MARTINEZ,

Defendants.

Criminal No. 13-00195  
ELECTRONICALLY FILED

**ORDER OF COURT RE: APPOINTMENT OF CJA ATTORNEY FOR DEFENDANT  
CARLOS MARTINEZ**

This Court is assigned a criminal case which involves seven (7) individual Defendants who are charged with various drug offenses, including the distribution and possession with intent to distribute Oxycodone and Opana (Oxymorphone). Criminal number 13-00195. Defendants were indicted on July 16, 2013. Doc. No. 51. The Indictment contains 12 counts. Id. The Indictment remained sealed until all 7 Defendants had been arrested. Doc. No. 66.

On June 5, 2013, W. Penn Hackney, an attorney from the Federal Public Defender's Office, entered his appearance for Jade Gagianas, the third named Defendant in this case. Doc. No. 40. Mr. Hackney filed a Motion to Withdraw as Attorney for Ms. Gagianas a week later, which was granted by United States Magistrate Judge Lenihan. Doc. Nos. 43 and 44. On July 23, 2013, the Defendants appeared before United States Magistrate Judge Kelly for their initial appearances and to be arraigned. Mr. Hackney appeared on behalf of Carlos Martinez and was appointed as his counsel. Doc. No. 103. Mr. Martinez is charged with one count of burglary of a pharmacy and is the seventh named Defendant in this case. Doc. No. 51. During his initial

appearance, Mr. Martinez entered a plea of not guilty. Doc. No. 106. He was released on unsecured appearance bond in the amount of \$20,000.00. Doc. No. 110.

This Court has a conflict bar/exclusion Order relating to the Office of the Federal Public Defender in place. See Criminal number 07-00298, Doc. No. 241. Therefore, if Mr. Hackney continues to represent Mr. Martinez, this multi-defendant case would need to be re-assigned to another Judge. Re-assignment of this case would not be in the interests of justice or judicial economy.

This Court has been assigned to four other criminal cases which appear to involve similar factual circumstances as the “main case,” 13-00195, in that all relate to attempts to illegally obtain and/or sell prescription drugs or inhibit the prosecution of such offenses. See Criminal numbers 13-00196, 13-00198, 13-00199, 13-00200. The interests of justice and judicial economy would be best served by a singular Judge presiding over all of these cases. This Court has already, as much as possible, become familiar with the Indictments and therefore, the interests of justice would be best served by this Court continuing to preside over all of these cases. Therefore, the following Order is entered.

AND NOW, this 29<sup>th</sup> day of July 2013, IT IS HEREBY ORDERED THAT Mr. Martinez shall be represented by an attorney from the CJA pool for all further proceedings and this Court will continue to be the assigned and presiding Judge throughout the pendency of this case.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties